



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2955

Introduced 1/20/2006, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

820 ILCS 405/802.1 new

Amends the Unemployment Insurance Act. Provides that referees and Director's representatives of the Department of Employment Security shall be referred to as administrative law judges. Establishes standards of conduct for administrative law judges of the Department of Employment Security. Provides that an administrative law judge, whether full time or intermittent, whether scheduled or nonscheduled, shall not serve as a member of the Board of Review. Provides that an administrative law judge shall report to the Director of Employment Security any suspected violations of the standards of conduct. Provides that an administrative law judge shall be discharged for the repeated violation of any of the standards of conduct or the violation of any of those standards in conjunction with the simultaneous or previous violation of any other of those standards.

LRB094 17947 RLC 53250 b

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unemployment Insurance Act is amended by
5 adding Section 802.1 as follows:

6 (820 ILCS 405/802.1 new)

7 Sec. 802.1. Administrative law judges.

8 A. On and after the effective date of this amendatory Act
9 of the 94th General Assembly, referees and Director's
10 representatives shall be referred to as administrative law
11 judges. The following standards apply to the performance of an
12 administrative law judge's duties:

13 (1) An administrative law judge shall be faithful to
14 the law and maintain professional competence in it.

15 (2) An administrative law judge shall maintain order
16 and decorum in proceedings before him or her.

17 (3) An administrative law judge shall be patient,
18 dignified, and courteous to parties, witnesses, parties'
19 representatives, and others with whom the administrative
20 law judge deals in an official capacity, including but not
21 limited to during any hearing the administrative law judge
22 conducts.

23 (4) An administrative law judge shall refrain from
24 making any discourteous, intemperate, or undignified
25 comments in the preparation of a written decision, draft
26 decision, or recommended decision and shall not engage in
27 any conduct that brings the Department into disrepute.

28 (5) An administrative law judge shall accord to every
29 person the right to be heard in any proceeding before him
30 or her as may be provided for by law.

31 (6) An administrative law judge is an employee of the
32 Department with a fiduciary duty to the Department. An

1 administrative law judge shall not, in his or her capacity
2 as an administrative law judge, take a public position on
3 any matter if that position conflicts with the position of
4 the Department. Taking a public position includes but is
5 not limited to providing testimony at a public hearing.

6 (7) An administrative law judge's work product is
7 subject to review and approval by supervisory employees of
8 the Department, who shall be bound by this Section in
9 discharging their supervisory responsibilities.

10 (8) An administrative law judge shall not base a
11 decision, draft decision, or recommended decision on any
12 consideration not relevant under law to the issue before
13 him or her.

14 (9) An administrative law judge, whether full time or
15 intermittent, whether scheduled or nonscheduled, shall not
16 serve as a member of the Board of Review.

17 (10) An administrative law judge shall report to the
18 Director any suspected violations of this subsection A.

19 B. An administrative law judge shall be discharged for the
20 repeated violation of any of the standards enumerated in
21 subsection A or the violation of any of those standards in
22 conjunction with the simultaneous or previous violation of any
23 other of those standards.